

REMARKS

By this Amendment, claims 1, 3-5 and 10 are amended to merely clarify the recited subject matter.

Applicant further submits that the amendments to claims 1 and 10, along with the filing of the accompanying Request for Continued Examination, forces consideration of all pending claims in the application and moots the previously issued Restriction Requirement. Claims 1-8 and 10-14 are pending. Reconsideration and allowance of the above-identified Application in view of the above amendments and the following remarks are respectfully requested.

Claims 1-5, 7, and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Marino (U.S. 6,132,684) and Emmitt (U.S. 4,124,122) and claim 6 was rejected under 35 U.S.C. 103(a) as being obvious from Marino, Emmitt and De Graaff et al. (U.S. 6,146,594). Applicant respectfully traverses the rejections because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest the claimed device (independent claim 1) and method (independent claim 10) for manipulating and dispensing multiple filaments wherein multiple filaments are manipulated to permit: contact by the multiple filaments with samples of an analytical application thereby drawing samples into the multiple filaments or adhering the samples to the multiple filaments; position the multiple filaments in or out of analytical instruments or fluid supplies; or dispense the multiple filaments into a secondary holder or apparatus.

Marino merely teaches an apparatus that manipulates test tubes by placing a plurality of test tubes into a holder and inserting that holder into a heating block. There is no teaching or suggestion that the tubes should be manipulated together with the holding device as specified in the rejected claims.

Likewise, Emmitt is directed only to the use O-rings as part of a device for handling test tubes. Therefore, the combined teachings of Marino and Emmitt fail to teach or suggest the claimed apparatus and method wherein multiple filaments are manipulated as stated in the claims.

Furthermore, De Graff fails to remedy the deficiencies of the combined teachings of Marino and Emmitt because De Graff merely teaches generally on standardized well plate arrangements. Thus, the combined teachings of Marino, Emmitt and De Graff fail to teach or suggest the claimed apparatus and method wherein multiple filaments are manipulated as stated in the claims.

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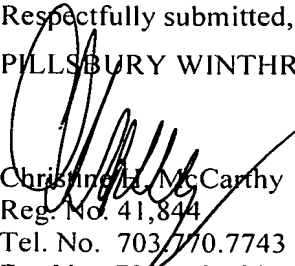
Accordingly, Applicant submits that this Amendment has addressed all outstanding rejections and objections and respectfully submits that the application is in condition for allowance. A notice to that effect is earnestly solicited.

If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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